

Transcript of Charles Davis, Individually and as Designated Representative 1 (1 to 4)  
Conducted on April 11, 2024

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

USA FOOTBALL, INC.,  
Plaintiff,  
VS.  
FFWCT, LLC; USA FLAG, LLC;  
AND TRAVIS BURNETT,  
Defendants.

ORAL AND VIDEOTAPED DEPOSITION OF  
FFWCT, LLC AND USA FLAG, LLC  
BY AND THROUGH ITS DESIGNATED REPRESENTATIVE,  
CHARLES DAVIS,  
AND IN HIS INDIVIDUAL CAPACITY  
APRIL 11, 2024

ORAL AND VIDEOTAPED DEPOSITION OF CHARLES DAVIS,  
produced as a witness at the instance of the Plaintiff,  
and duly sworn, was taken in the above-styled and  
numbered cause on April 11, 2024, from 9:06 a.m. to  
6:26 p.m., before Kim A. McCann, CSR in and for the State  
of Texas, reported by machine shorthand, at the offices  
of Scheef & Stone, LLP, 2600 Network Blvd., Suite 400,  
Frisco, Texas, pursuant to the Federal Rules of Civil  
Procedure.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

INDEX

Appearances.....

CHARLES DAVIS

Examination by Ms. Ricchiuto.....

EXHIBITS

NO. DESCRIPTION PAGE

Exhibit 26 USA Football, Inc.'s Amended Notice of Deposition of FFWCT, LLC and USA Flag, LLC.....

Exhibit 27 USA Flag Proposal.....

Exhibit 28 Email providing EIN for FFWCT, LLC.....

Exhibit 29 Confidentiality & Nondisclosure Agreement between USA Football, Inc. And FFWCT.....

Exhibit 30 USA Football Partnership Proposal.....

Exhibit 31 Consulting Services Agreement.....

Exhibit 32 USA Football 7/30/18 meeting agenda.....

Exhibit 33 FFWCT - USA Football, Inc. Event Collaboration Agreement.....

Exhibit 34 Partnership Renewal & Tampa Announcement letter.....

Exhibit 35 Email dated 2/9/22 from Eric Mayes re USNFT - Catching up and Next steps.....

Exhibit 36 Message string from Flag Football World Championship Tour Community.....

Exhibit 37 30(b)(6) Categories of Testimony Sought.....

Exhibit 38 Screenshot of social media page, USAFB 1629.....

Exhibit 39 Printouts of social media images, USAFB 324.....

Exhibit 40 Printouts of LinkedIn images, FFWCT 2946 through 3005.....

Exhibit 41 Printouts of Facebook images, FFWCT 3006 through 3168.....

Exhibit 42 Email string dated 9/16/22 from Eric Mayes to Travis/Charles re USA Football Imagery on FFWCT Website, USAFB 196.....

Exhibit 43 Letter dated 7/1/2020 from Amie Peele Carter to FFWCT, USAFB 769.....

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

A P P E A R A N C E S

FOR THE PLAINTIFF:

Anne K. Ricchiuto, Esq.  
PEELE LAW GROUP  
49 Boone Billage  
Box 299  
Zionsville, Indiana 46077  
(202) 964-4500  
(202) 964-4502  
aricchiuto@peeelawgroup.com

FOR THE DEFENDANTS FFWCT, LLC; USA FLAG, LLC; AND TRAVIS BURNETT:

Bryan Haynes, Esq.  
Taylor L. Harris, Esq.  
SCHEEF & STONE, LLP  
2600 Network Blvd.  
Suite 400  
Frisco, Texas 75034  
(214) 472-2100  
(214) 472-2150 fax  
Bryan.Haynes@solidcounsel.com

ALSO PRESENT:

Brian Krieger, Videographer  
Travis Burnett

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

INDEX (Cont.)

Exhibit 44 Email dated 12/27/20 from Aaron Ingram to Eric Mayes re Added "USA Flag", USAFB 1079.....

Exhibit 45 Letter dated 11/21/23 from Peele Law Group to Scheef & Stone re USA Football, Inc. V. FFWCT, LLC and Travis Burnett.....

Exhibit 46 Email string dated 3/16/17 from Football World Tour to Merrill Squires re Next Steps, FFWTC 1074 to FFWTC 1088.....

Exhibit 47 Email dated 9/15/21 from Steve Neil to Charles Davis re Meeting Invitation, FFWCT 7001.....

Exhibit 48 Email from Curtis Holloman to Troy Vincent re Conversation Follow-up, NFL 93 to NFL 110.....

Exhibit 49 Email dated 6/15/22 from Troy Vincent to Izell Reese re Follow-up Document, NFL 62 to NFL 64.....

Exhibit 50 Email dated 6/5/22 from Charles Davis to Steve Neil re USA Flag NFL Partnership Budget.pdf, FFWCT 7029 to FFWCT 7035.....

Exhibit 51 USA Flag NFL Partnership Overview, NFL 116 to NFL 121.....

Exhibit 52 Email dated 7/5/22 from Curtis Holloman to Troy Vincent re Misc, NFL 65.....

Exhibit 53 Email string dated 7/17/22 from Charles Davis to Curtis Holloman, Steve Neil, FFWCT 492 to FFWCT 493.....

Exhibit 54 Email dated 7/19/22 from Charles Davis to Curtis Holloman, Steve Neil re Meeting with Troy Vincent, FFWCT 7071.....

Exhibit 55 Email dated 7/28/22 from Curtis Holloman re 10am Troy, Kimberly & Curtis Holloman, FFWCT 7201.....

Exhibit 56 Email dated 8/10/22 from Charles Davis to Steve Neil, Curtis Holloman, Travis Burnett re Final Versions, FFWCT 7253 to FFWCT 7258.....

Exhibit 57 Email dated 8/17/22 from Charles Davis to Curtis Holloman, Steve Neil, Travis Burnett re Possible Red Flag, CH 110....

Transcript of Charles Davis, Individually and as Designated Representative 2 (5 to 8)  
Conducted on April 11, 2024

5	7
<p>1 INDEX (Cont.)</p> <p>2 Exhibit 58 Email dated 8/17/22 from Charles Davis to Curtis Holloman, Steve Neil, Travis Burnett re Email for Troy &amp; The Team (Final), CH 106.....295</p> <p>3 Exhibit 59 Email dated 8/22/22 from Charles Davis to Curtis Holloman re Update, follow up &amp; Zoom, CH 103.....297</p> <p>4 Exhibit 60 Email dated 8/31/22 from Steve Neil to Charles Davis re Deal Points Start, CH 101.....299</p> <p>5 Exhibit 61 Zoom meeting invitation re 1pm NFL &amp; USA Flag, FFWCT 441.....302</p> <p>6 Exhibit 62 Email dated 10/4/22 from Charles Davis re Working Document for Call, FFWCT 7370 to FFWCT 7383.....314</p> <p>7 Exhibit 63 Email dated 10/22.....320</p> <p>8 Exhibit 64 Email dated 10/4/22 from Charles Davis, Screenshots of text messages re Izell &amp; Travis Convo, FFWCT 7412.....322</p> <p>9 Exhibit 65 Email dated 10/10/22 from Charles Davis.....323</p> <p>10 Exhibit 66 Email string dated 11/16/22 from Steve Neil, FFWCT 7509.....333</p> <p>11 Exhibit 67 Email dated 11/17/22 from Curtis Holloman to Roman Oben re USA Flag Proposal Follow-up, CH 115.....334</p> <p>12 Exhibit 68 Complaint filed by FFWCT, USA Flag and Travis Burnett.....338</p> <p>13 Exhibit 69 Email string dated 11/17/22 from Curtis Holloman re USA Flag Proposal Follow-up, NFL 49.....346</p> <p>14 Exhibit 70 Email string dated 11/17/22 from Charles Davis re Tampa VIP Visitors List, CH 69.....352</p> <p>15 Exhibit 71 Email string dated 11/29/22 from Charles Davis to Steve Neil re Next Steps, CH 59.....354</p> <p>16 Exhibit 72 Email dated 12/20/22 from Charles Davis re NFL Pro Bowl Games Las Vegas, CH 40.....356</p> <p>17 Exhibit 73 Email dated 8/10/23 from Charles Davis to Steve Neil re Additional bullet points, CH 2.....361</p> <p>18 Exhibit 74 Email dated 8/30/23 from Charles Davis to Curtis Holloman and Steve Neil re 7v7 Pivot - Ignitor needed, CH 39.....363</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 PROCEEDINGS</p> <p>2 THE VIDEOGRAPHER: Here begins Media</p> <p>3 Number 1 in the videotaped deposition of</p> <p>4 Charles Davis both individually and as</p> <p>5 representative of FFWCT and USA Flag. This is in</p> <p>6 the matter of USA Football, Incorporated versus</p> <p>7 FFWCT, LLC, et al. This is in the United States</p> <p>8 District Court for the Eastern District of Texas,</p> <p>9 Sherman Division filed as Civil Action Numbers</p> <p>10 4:23-CV-00465 and 4:23-CV-00516-ALM.</p> <p>11 Today's date is Thursday, April 11,</p> <p>12 2024. Our time on the video monitor is 9:06 a.m.</p> <p>13 The videographer today is Brian Krieger</p> <p>14 representing Planet Depos. This video deposition</p> <p>15 is taking place at 2600 Network Boulevard,</p> <p>16 Suite 400 in Frisco, Texas.</p> <p>17 If counsel would please identify</p> <p>18 themselves and please state who they represent.</p> <p>19 MS. RICCHIUTO: Anne Ricchiuto for</p> <p>20 USA Football. And -- sorry -- and I also have</p> <p>21 with me Ashley Hodges for USA Football.</p> <p>22 MR. HAYNES: Bryan Haynes for WWCT,</p> <p>23 LLC, USA Flag, LLC, and Travis Burnett. And</p> <p>24 Taylor Harris is also present.</p> <p>25 THE VIDEOGRAPHER: Okay. Our court</p> <p>1 reporter today is Kim McCann also representing</p> <p>2 Planet Depos. And now the witness will be sworn.</p> <p>3 CHARLES DAVIS,</p> <p>4 Having been first duly sworn, testified as</p> <p>5 follows:</p> <p>6 EXAMINATION</p> <p>7 BY MS. RICCHIUTO:</p> <p>8 Q. Good morning, Mr. Davis.</p> <p>9 A. Good morning. How are you?</p> <p>10 Q. I'm Anne Ricchiuto. We met just a</p> <p>11 second ago, I represent USA Football here to take</p> <p>12 your deposition today.</p> <p>13 Have you ever been deposed before?</p> <p>14 A. No, ma'am.</p> <p>15 Q. Have you ever watched a video of a</p> <p>16 deposition?</p> <p>17 A. I believe so. I would assume so.</p> <p>18 Q. Well, whose -- whose deposition have</p> <p>19 you watched --</p> <p>20 A. Just something on TV, yeah.</p> <p>21 Q. Okay.</p> <p>22 A. Nothing like this.</p> <p>23 Q. Have you ever, like, sat in on a</p> <p>24 deposition like Travis is doing today?</p> <p>25 A. No, ma'am.</p>
6	8
<p>1 INDEX (Cont.)</p> <p>2 Exhibit 75 Email string dated 8/31/22 from Travis Burnett re USA Flag Follow Up, FFWCT 7695.....366</p> <p>3 Exhibit 76 Email dated 2/29/24 from Charles Davis to Curtis Holloman re USA Football subpoenas, CH 41.....370</p> <p>4 Exhibit 77 USA Flag Football Rulebook.....376</p> <p>5 Exhibit 78 Printout from USA Flag's website printed on 7/13/23.....381</p> <p>6 Exhibit 79 Email dated 10/24/22 from Travis Burnett to Steve Neil and Charles Davis re USOPC Member Application, FFWCT 7481.....384</p> <p>7 Exhibit 80 Email dated 10/24/22 from Travis Burnett re USOPC Member Application with NGB Budget, FFWCT 7487.....388</p> <p>8 Exhibit 81 Screenshot from USA Flag Instagram, USAFB 1612.....400</p> <p>9 Exhibit 82 Promotional graphic from USA Flag's Instagram, USAFB 1626.....402</p> <p>10 Exhibit 83 Email string from Joe Banach to Scott Henson of Nike re Time on Friday, USAFB 1656.....406</p> <p>11 Exhibit 84 Trademark Assignment, FFWCT 2074.....420</p> <p>12 Exhibit 85 Flag Football World Championship Tour balance sheet, FFWCT 8109.....421</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	

PLANET DEPOS

888.433.3767 | WWW.PLANETDEPOS.COM

Transcript of Charles Davis, Individually and as Designated Representative <sup>22</sup> (85 to 88)  
 Conducted on April 11, 2024

<p>85</p> <p>1 handled most of that conversation and</p> <p>2 communication with USA Football directly.</p> <p>3 Q. But at some point, you came to</p> <p>4 understand what you've just testified about in</p> <p>5 terms of your commitment not to use USA Flag at</p> <p>6 least during a certain time period; is that</p> <p>7 correct?</p> <p>8 A. Yes, I was made aware of that term.</p> <p>9 I'm sure I had to agree to it also.</p> <p>10 Q. Did you -- did you-all use USA Flag</p> <p>11 during the time period when you had agreed not</p> <p>12 to?</p> <p>13 A. To my knowledge, no.</p> <p>14 Q. Okay. I'm handing you what is marked</p> <p>15 as Exhibit Number 33.</p> <p>16 (Exhibit 33 was marked.)</p> <p>17 Q. This is beginning Bates USAFB 689.</p> <p>18 This is the Event Collaboration Agreement</p> <p>19 between, at this time, FFWCT it says instead of</p> <p>20 kind of the long form and USA Football, and it's</p> <p>21 effective March 1, 2021.</p> <p>22 Do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. Is this a -- a document that you have</p> <p>25 seen before?</p>	<p>87</p> <p>1 this time about setting aside the contractual</p> <p>2 agreement about whether or not there were other</p> <p>3 legal issues with you using USA Flag?</p> <p>4 MR. HAYNES: Objection. Form.</p> <p>5 A. Could you ask the question again. I</p> <p>6 don't understand. I'm sorry.</p> <p>7 Q. Sure. Before this agreement --</p> <p>8 A. Okay.</p> <p>9 Q. -- when you-all were talking about</p> <p>10 and beginning to, for example, file an</p> <p>11 application for USA Flag --</p> <p>12 A. Okay.</p> <p>13 Q. -- did you have any understanding of</p> <p>14 any potential violations of law that would result</p> <p>15 from your use of that name?</p> <p>16 A. The only thing I could recall was</p> <p>17 that there was a problem that our logo was too</p> <p>18 similar to USA Football's logo, hence why we</p> <p>19 changed it.</p> <p>20 Q. What about problems with the name</p> <p>21 USA Flag?</p> <p>22 A. Never heard anything about a name.</p> <p>23 Q. So no one made you aware before</p> <p>24 April 20th of -- April of 2020 when the first</p> <p>25 application was filed, that the name USA Flag</p>
<p>86</p> <p>1 A. I believe so, yes.</p> <p>2 Q. Do you recall what the purpose of</p> <p>3 this agreement was?</p> <p>4 A. To my knowledge, it was the agreement</p> <p>5 that outlined our partnership to allow them to</p> <p>6 scout at our events, to allow them to have</p> <p>7 on-site assets at our events. We did some</p> <p>8 digital things together as well. And then during</p> <p>9 this contractual time, we would not use USA Flag</p> <p>10 as a forward-facing brand for tournaments and</p> <p>11 things. I -- I believe we had the camps already</p> <p>12 and were already doing those, but I don't think</p> <p>13 those were an issue or a part of this, to my</p> <p>14 knowledge.</p> <p>15 Q. Okay. And you've mentioned several</p> <p>16 times this concept of -- of not using Flag as a</p> <p>17 brand during the term of the agreement.</p> <p>18 A. Yes.</p> <p>19 Q. Are you referring to paragraph 4c on</p> <p>20 page 690 --</p> <p>21 A. 690.</p> <p>22 Q. -- as the provision that provides</p> <p>23 that requirement?</p> <p>24 A. I would assume so, yes.</p> <p>25 Q. Okay. What was your understanding at</p>	<p>88</p> <p>1 would or could be deemed infringing?</p> <p>2 A. To my knowledge right now, I do not</p> <p>3 recall that.</p> <p>4 Q. Okay. So then you had an</p> <p>5 understanding under this Event Collaboration</p> <p>6 Agreement, you-all would stop using the name</p> <p>7 basically during the term of the agreement;</p> <p>8 correct?</p> <p>9 A. For tournaments specifically. I</p> <p>10 think I vaguely remember them knowing we used it</p> <p>11 for camps, and that was not a problem.</p> <p>12 Q. Okay. Does par -- paragraph c</p> <p>13 doesn't distinguish camps, though; right?</p> <p>14 A. It doesn't in paragraph c.</p> <p>15 Q. Okay. When the agreement expired,</p> <p>16 did you have an understanding about at that time</p> <p>17 whether there was any risk of being deemed to be</p> <p>18 infringing if you used the USA Flag name?</p> <p>19 A. Do I --</p> <p>20 MR. HAYNES: Objection. Form.</p> <p>21 Go ahead.</p> <p>22 A. Do I -- again, I'm asking for</p> <p>23 clarification. Could you just clarify the</p> <p>24 question for me one more time.</p> <p>25 Q. Yeah, sure.</p>

Transcript of Charles Davis, Individually and as Designated Representative<sup>88 (349 to 352)</sup>

Conducted on April 11, 2024

<p>1 status as governing body?  2 <b>A. Yes.</b>  3 Q. And do you agree with me that if they  4 explain to the Court in this case that they were  5 not unclear that they understood that  6 USA Football was the RSO, that USA Football was  7 the single IFAF member, is it still USA Flag and  8 FFWCT and your position that you didn't get the  9 deal because of USA Football?  10 MR. HAYNES: Objection. Form.  11 <b>A. I believe that was the heavy factor</b>  12 <b>in it, yes.</b>  13 Q. Okay. I'm giving you a hypothetical.  14 <b>A. Okay.</b>  15 Q. If USA -- or if -- if the NFL gives  16 testimony in this case that says we weren't  17 confused. When we said governing body in those  18 meetings to Chuck Davis, we knew that we meant  19 RSO and we meant IFAF and U -- USA Football was  20 RSO and was the IFAF member, do we still have a  21 problem with USA Football?  22 MR. HAYNES: Objection. Form.  23 <b>A. I -- I still believe so, yes.</b>  24 Q. Explain that to me.  25 <b>A. I still believe they were</b></p>	<p>1 governing body status; correct?  2 <b>A. Do I believe that's the sole reason?</b>  3 Q. Yeah.  4 <b>A. I do not believe that's the sole</b>  5 <b>reason, no.</b>  6 Q. Okay. What else?  7 <b>A. I believe there's a few factors.</b>  8 <b>Even if what you're saying is true, they still</b>  9 <b>allowed USA Football to occupy that spot in their</b>  10 <b>hierarchy of what they view football as. So I</b>  11 <b>don't think by misrepresenting yourself you can</b>  12 <b>put yourself in a spot and not have an unfair</b>  13 <b>advantage over someone else. I just don't think</b>  14 <b>that's accurate.</b>  15 <b>So that's another part of it. I</b>  16 <b>think there are a lot of different factors into</b>  17 <b>that, but I think those are the two most privy to</b>  18 <b>your client.</b>  19 Q. Okay. But remember, we're operating  20 in a world where NFL's not confused in the way  21 that you think they're confused.  22 <b>A. Okay.</b>  23 Q. In that world, whose decision is it  24 at NFL to allow USA Football to operate what you  25 call that vertical?</p>
<p>1 <b>misrepresenting themselves, and, you know,</b>  2 <b>regardless of what people would say now, at that</b>  3 <b>point in time, I do not believe they understood</b>  4 <b>that. But that is how I understand it in my</b>  5 <b>currency. Now, can I speak on what they actually</b>  6 <b>know or not, I -- I can't. I can't give you a</b>  7 <b>definitive answer either way.</b>  8 Q. And I understand. I'm asking you if  9 your assumption is proven incorrect, okay, if the  10 NFL testifies we knew exactly who was who and  11 what was what -- we understand Chuck Davis might  12 have been confused -- we, NFL, were not  13 confused --  14 <b>A. Uh-huh.</b>  15 Q. -- then you agree with me there's no  16 basis for a continuing claim against USA Football  17 for loss of the NFL deal.  18 MR. HAYNES: Objection. Form.  19 <b>A. I -- I can't give you my answer for a</b>  20 <b>hypothetical. It'd have to actually happen and</b>  21 <b>me be in that situation. Sorry.</b>  22 Q. Okay. But the sole reason that you  23 believe that the 465 lawsuit is a good lawsuit is  24 because you believe that the NFL had a  25 misunderstanding about USA Football's national</p>	<p>1 MR. HAYNES: Objection. Form.  2 <b>A. I'm not privy to whose decision that</b>  3 <b>would be. I'm sorry.</b>  4 Q. Is it the NFL's decision?  5 <b>A. Ultimately it would be the NFL's</b>  6 <b>decision to do what they want in their -- in</b>  7 <b>their side, yes.</b>  8 (Exhibit 70 was marked.)  9 Q. This is Exhibit 70. This is CH 69.  10 And this is a string of emails about the Tampa  11 VIP visitors list.  12 <b>A. Uh-huh.</b>  13 Q. And the -- the email I want to ask  14 you about is your email, which is the second one  15 from the top -- or excuse me -- November 19,  16 2022.  17 <b>A. Okay.</b>  18 Q. I think you're writing to the same  19 group -- Curt, Nicole, Steve, Travis -- and also  20 a J. Shelton that I think I have been told was  21 Steve's intern.  22 <b>A. Yes.</b>  23 Q. And you say -- this is about your  24 Tampa -- your signature Tampa event that's in  25 January every year; correct?</p>

PLANET DEPOS

888.433.3767 | WWW.PLANETDEPOS.COM

Transcript of Charles Davis, Individually and as Designated Representative <sup>89 (353 to 356)</sup>

Conducted on April 11, 2024

<p>353</p> <p>1 <b>A. Yes.</b></p> <p>2 Q. Okay. And you say: Everyone's</p> <p>3 reaction and perception of us in our series</p> <p>4 always changes for the better once they see it in</p> <p>5 person.</p> <p>6 <b>A. Yes.</b></p> <p>7 Q. Do you see that?</p> <p>8 <b>A. Yes.</b></p> <p>9 Q. And in general, this -- this string</p> <p>10 is about inviting various people from across the</p> <p>11 industry to come to Tampa; right?</p> <p>12 <b>A. Yes.</b></p> <p>13 Q. And this is after you've concluded</p> <p>14 that the NFL deal is not going forward; correct?</p> <p>15 <b>A. As it had stood, yes.</b></p> <p>16 Q. Okay. And what do you mean</p> <p>17 everyone's reaction changes for the better once</p> <p>18 they see it in person?</p> <p>19 <b>A. Traditionally when people think of</b></p> <p>20 <b>flag football, they think of it as still as this</b></p> <p>21 <b>backyard, kind of goofy thing that, you know, is</b></p> <p>22 <b>not that big of a deal. And then they come to</b></p> <p>23 <b>our World Championships and are just completely</b></p> <p>24 <b>blown away at the scale of it, at the size of it,</b></p> <p>25 <b>the scope of it, how it looks, the atmosphere of</b></p>	<p>355</p> <p>1 <b>have a pivot strategy. After we were</b></p> <p>2 <b>unsuccessful and -- and kind of get that</b></p> <p>3 <b>conversation with Izell, they wanted to approach</b></p> <p>4 <b>the other entities under the NFL umbrella, which</b></p> <p>5 <b>included PA, Trust, and Foundation.</b></p> <p>6 Q. Okay. If -- your testimony to me</p> <p>7 today has been the reason why the NFL wouldn't</p> <p>8 move forward with you is because they had a</p> <p>9 misunderstanding about USA Football's status;</p> <p>10 correct?</p> <p>11 <b>A. Yes.</b></p> <p>12 Q. So why would you expect a different</p> <p>13 outcome with NFL PA, Trust, or Foundation?</p> <p>14 <b>A. They're completely governed</b></p> <p>15 <b>completely differently across the board. The NFL</b></p> <p>16 <b>operates individually amongst those entities,</b></p> <p>17 <b>sometimes even -- even at odds and opposition and</b></p> <p>18 <b>competition with each other, so...</b></p> <p>19 Q. It wasn't that you thought maybe they</p> <p>20 would be less confused?</p> <p>21 <b>A. No.</b></p> <p>22 Q. And it wasn't because Izell wouldn't</p> <p>23 be part of those arrangements?</p> <p>24 <b>A. Izell not being a part of those</b></p> <p>25 <b>arrangements definitely played a factor in it,</b></p>
<p>354</p> <p>1 <b>it, and their perception of the entire sport and</b></p> <p>2 <b>us just changes for the better in most regards,</b></p> <p>3 <b>honestly.</b></p> <p>4 Q. And then so that -- that comment by</p> <p>5 you doesn't have anything to do with, for</p> <p>6 example, everyone thinks there's going to be a</p> <p>7 bunch of weed and fights and it's --</p> <p>8 <b>A. No.</b></p> <p>9 Q. -- not as bad as they think?</p> <p>10 <b>A. No.</b></p> <p>11 Q. Okay. That's not what you had in</p> <p>12 mind there?</p> <p>13 <b>A. No.</b></p> <p>14 Q. Okay. This is Exhibit 71.</p> <p>15 (Exhibit 71 was marked.)</p> <p>16 Q. This is CH 59. This is November 29,</p> <p>17 2022, from you to Steve, Travis, Nicole, Jay</p> <p>18 Shelton, and you are asking in your number 1:</p> <p>19 (As read) What do we need to do next in order to</p> <p>20 get our propositions in front of NFL PA, Trust,</p> <p>21 and Foundation?</p> <p>22 Do you see that?</p> <p>23 <b>A. Yes.</b></p> <p>24 Q. Tell me what you meant by that.</p> <p>25 <b>A. Yeah, so Steve and Curt wanted to</b></p>	<p>356</p> <p>1 <b>because if he sits in -- in the realm or</b></p> <p>2 <b>USA Football sits in the realm, we don't have to</b></p> <p>3 <b>deal with them.</b></p> <p>4 Q. Why didn't you want to deal with him?</p> <p>5 <b>A. Because apparently those were going</b></p> <p>6 <b>to be points of contention for moving forward.</b></p> <p>7 Q. Points of contention that would make</p> <p>8 it clear that the deal was not going to happen?</p> <p>9 <b>A. In those regards, yes.</b></p> <p>10 Q. This is going to be</p> <p>11 Exhibit Number 72.</p> <p>12 (Exhibit 72 was marked.)</p> <p>13 Q. This is CH 40. This is from you --</p> <p>14 was there -- did you get any response, other than</p> <p>15 what was reflected here -- sorry, on the last</p> <p>16 one -- on 71, Chuck -- did you get any response</p> <p>17 from Steve or Curt besides what's reflected at</p> <p>18 the top of 71?</p> <p>19 <b>A. No. I -- Exhibit 71?</b></p> <p>20 Q. Yeah.</p> <p>21 <b>A. Not via email. I believe we talked</b></p> <p>22 <b>on the call a couple of times. We would talk</b></p> <p>23 <b>pretty frequently.</b></p> <p>24 Q. Did you make any progress on NFL PA,</p> <p>25 Trust, or Foundation?</p>

PLANET DEPOS

888.433.3767 | WWW.PLANETDEPOS.COM



Transcript of Charles Davis, Individually and as Designated Representative<sup>94 (373 to 376)</sup>

Conducted on April 11, 2024

<p>1 involves communication with your lawyers. 2 THE WITNESS: Okay. 3 Q. How much subpoenas do you understand 4 that I have prepared for Steve Neil? 5 <b>A. I just know that were going to serve</b> 6 <b>him the one subpoena.</b> 7 Q. Okay. And what I want to know is if 8 you've talked to him and told him not to accept 9 it? 10 <b>A. No. No, I have not.</b> 11 Q. Do you know if I've served a subpoena 12 on him? 13 <b>A. I just know that you were going to.</b> 14 <b>I don't know anything after that.</b> 15 Q. Okay. Curtis told me something to 16 the effect of Steve saying, You're going to have 17 to find me basically. And I'm curious whether 18 Steve has said that to you also? 19 <b>A. I have not had a communication with</b> 20 <b>Steve or Curt.</b> 21 Q. Okay. Do you know whether 22 Steve Neil's business address at Nyne Global is 23 200 Miranova Place? 24 <b>A. I could not tell you what their</b> 25 <b>address is.</b></p>	<p>1 <b>A. I -- I believe I am aware of that. I</b> 2 <b>vaguely remember.</b> 3 Q. Did you read that transcript? 4 <b>A. I don't believe I did, to my</b> 5 <b>knowledge right now. Sorry.</b> 6 Q. If your expert testified about 7 mathematical errors in his report as a result of 8 mathematical errors in some of the proposals made 9 to the NFL, do you have any reason to say that 10 testimony's not right? 11 <b>A. I don't. I wouldn't be privy to his</b> 12 <b>-- his calculations or computations. I'm -- I'm</b> 13 <b>no expert for sure.</b> 14 Q. How much money -- as we sit here 15 today, how much money are you hoping to achieve 16 by filing a lawsuit against USA Football? 17 <b>A. I'm not hoping to achieve any kind of</b> 18 <b>specific number. That's up to the Court. I have</b> 19 <b>no -- no dog in that fight, so to speak, in the</b> 20 <b>number or request.</b> 21 Q. You have no dog? 22 <b>A. As a specific number like, oh, I want</b> 23 <b>\$7, like I -- that's totally up to the Court.</b> 24 Q. Okay. But you believe you're 25 entitled to some money from USA Football?</p>
<p>1 Q. Okay. 2 <b>A. I haven't mailed them anything or</b> 3 <b>been there.</b> 4 Q. Do you know if Steve Neil moved in 5 the last 60 days? 6 <b>A. In the last -- I couldn't tell -- I</b> 7 <b>haven't had any conversations with Steve or Curt.</b> 8 Q. Okay. So if I can't find him, it's 9 not because you told him to hide? 10 <b>A. Definitely not.</b> 11 Q. Okay. Do you know -- oh, my gosh. 12 I'm not going to know his first name. 13 You-all have hired an expert in this 14 case with the last name Porter. 15 Does that ring a bell? 16 <b>A. I'm not privy to the experts' names.</b> 17 <b>I'm sorry.</b> 18 Q. Okay. Do you know that somebody on 19 your behalf has submitted a report saying how 20 much money you-all should be entitled to as a 21 result of your lawsuit? 22 <b>A. I am aware that there was an expert</b> 23 <b>that re -- prepared a report, yes.</b> 24 Q. Okay. Do you -- are you aware the 25 expert was depose?</p>	<p>1 <b>A. I believe so, yes.</b> 2 Q. Has USA Flag ever described itself as 3 a governing body or anything along those lines? 4 MR. HAYNES: Objection. Form. 5 <b>A. I believe we've called ourselves a</b> 6 <b>governing organization or -- I know we've called</b> 7 <b>ourselves a governing organization for sure. I</b> 8 <b>don't know if we've ever called ourselves an NGB,</b> 9 <b>maybe like a self-appointed governing something,</b> 10 <b>maybe. I couldn't recall specifically.</b> 11 Q. Where would you have called yourself 12 something like that? 13 <b>A. Maybe in our rules or in "About Us"</b> 14 <b>section probably.</b> 15 Q. And who is responsible for that 16 content? 17 <b>A. Travis mostly does all the website</b> 18 <b>content.</b> 19 Q. This is Exhibit 77. 20 <b>A. Okay.</b> 21 (Exhibit 77 was marked.) 22 Q. It doesn't have a Bates number on it, 23 but it was filed with the Court. On page 2 of 24 this document, you see some highlighted language. 25 <b>Well, first of all, what is this?</b></p>

Transcript of Charles Davis, Individually and as Designated Representative <sup>95 (377 to 380)</sup>

Conducted on April 11, 2024

<p>377</p> <p>1 <b>A. This looks like our general rules on</b>  2 <b>our website.</b>  3 Q. Okay. And from the date on this when  4 it was printed, I believe that it reflects that  5 it was printed on July 6, 2023.  6 Do you see that?  7 <b>A. I do.</b>  8 Q. Okay. And it says: (As read) We  9 declare USA Flag the self-appointed national  10 governing organization of the sport of flag  11 football through common consent of our  12 participating teams.  13 Do you see that?  14 <b>A. Yes.</b>  15 Q. Okay. So what's -- what does that  16 mean?  17 <b>A. Because a lot of teams, players all</b>  18 <b>view us as kind of the pillar in flag football in</b>  19 <b>playing our events in -- in -- in -- in large</b>  20 <b>quantities, we believe we're a governing-type</b>  21 <b>organization that dictates rules, dictates</b>  22 <b>competition, hosts competitions, and organizes</b>  23 <b>events. So by that theory we make that</b>  24 <b>statement.</b>  25 Q. Where did you get the understanding</p>	<p>379</p> <p>1 governing body for all forms and styles of the  2 sport.  3 So you just told me about how  4 sensitive national governing body is.  5 <b>A. Correct.</b>  6 Q. But you felt like ultimate governing  7 body did not cause that same connotation for  8 someone who is understanding or -- or reading  9 those words?  10 <b>A. Correct.</b>  11 Q. So the average person would know, oh,  12 this isn't the national governing body, it's the  13 ultimate governing body?  14 <b>A. I wouldn't be privy to what the</b>  15 <b>average person would know. I'm sorry.</b>  16 Q. Well, you just gave me a big  17 explanation about how important it was not to say  18 those letters in a row, and I think those letters  19 you were referring to were NGB.  20 <b>A. Correct.</b>  21 Q. But UGB, fair game in your mind?  22 <b>A. Yes.</b>  23 Q. Why?  24 <b>A. Because, again, I believe the term</b>  25 <b>specifically "national governing body" right in a</b></p>
<p>378</p> <p>1 that there could be a self-appointed national  2 governing organization?  3 <b>A. Just by kind of going through the</b>  4 <b>years and seeing other organizations do the same</b>  5 <b>thing, we assumed we can do the same thing as</b>  6 <b>well.</b>  7 Q. What other organizations have done  8 that?  9 <b>A. Other various organizations we've</b>  10 <b>seen in softball, we've seen in other -- other</b>  11 <b>sports are kind of self-appointed governing</b>  12 <b>organizations. We didn't feel that saying like</b>  13 <b>we were a governing body specifically was</b>  14 <b>allowed. We thought that was a protected mark</b>  15 <b>with those specific three letters and that</b>  16 <b>specific phrasing of the three words those three</b>  17 <b>letters represent. So we tried our best to not</b>  18 <b>-- not do that because we -- we thought that</b>  19 <b>was -- you know, you had to have some type of</b>  20 <b>certification or clearance to use that.</b>  21 Q. Okay. And so the second highlighted  22 section says US --  23 MR. HAYNES: Objection.  24 Nonresponsive. Sorry.  25 Q. -- says: USA Flag is the ultimate</p>	<p>380</p> <p>1 <b>row, those three letters sequentially are</b>  2 <b>protected, as well as the acronym "NGB" are</b>  3 <b>federally protected. So we don't use those --</b>  4 <b>those three.</b>  5 Q. How would someone reading this know  6 the difference between and ultimate governing  7 body and a national governing body?  8 <b>A. I'm not --</b>  9 MR. HAYNES: Objection. Form.  10 <b>A. I'm not for sure.</b>  11 Q. Well, what do you hope somebody  12 thinks you do by calling yourself the ultimate  13 governing body?  14 <b>A. That we govern the sport of -- of</b>  15 <b>flag football per our events.</b>  16 Q. Do you agree that the word "ultimate"  17 connotes, like, top dog, main one, most  18 important?  19 <b>A. I would agree with that acronym.</b>  20 Q. Okay.  21 <b>A. Or synonym.</b>  22 Q. Then this language that we're looking  23 at, if I told you that I had seen that on other  24 parts of your website, would you be surprised by  25 that?</p>

Transcript of Charles Davis, Individually and as Designated Representative<sup>96 (381 to 384)</sup>

Conducted on April 11, 2024

<p>381</p> <p>1 <b>A. The ultimate governing body and the</b></p> <p>2 <b>governing organization specifically?</b></p> <p>3 Q. Correct.</p> <p>4 <b>A. Would I be surprised if they're other</b></p> <p>5 <b>parts of the website?</b></p> <p>6 Q. Yeah.</p> <p>7 <b>A. I would not be surprised.</b></p> <p>8 Q. Okay. Did there come a time where</p> <p>9 you decided for the website to say something</p> <p>10 else?</p> <p>11 MR. HAYNES: Objection. Form.</p> <p>12 <b>A. I'm -- I'm not sure. I've not privy</b></p> <p>13 <b>to all website updates. That would be more along</b></p> <p>14 <b>of a Travis question. He does all of our website</b></p> <p>15 <b>updates.</b></p> <p>16 (Exhibit 78 was marked.)</p> <p>17 Q. This is Exhibit Number 78. This is</p> <p>18 a -- the same page of your website --</p> <p>19 <b>A. Okay.</b></p> <p>20 Q. -- except it was printed on July 13th</p> <p>21 instead of July 6th.</p> <p>22 Do you see that?</p> <p>23 <b>A. Yes.</b></p> <p>24 Q. And do you agree with me that the</p> <p>25 language that is highlighted are just different</p>	<p>383</p> <p>1 MS. RICCHIUTO: Let's go off the</p> <p>2 record for a couple of minutes.</p> <p>3 MR. HAYNES: Take a restroom break.</p> <p>4 MS. RICCHIUTO: Yes, of course.</p> <p>5 THE VIDEOGRAPHER: Off the record at</p> <p>6 5:17 p.m.</p> <p>7 (Break from 5:17 p.m. to 5:29 p.m.)</p> <p>8 THE VIDEOGRAPHER: The time is</p> <p>9 5:29 p.m. We're back on the record.</p> <p>10 Q. (BY MS. RICCHIUTO) Mr. Davis, we are</p> <p>11 going to look at Exhibit Number 79 in a minute.</p> <p>12 But first I want to ask you is it</p> <p>13 USA Flag's goal to become the certified national</p> <p>14 governing body for flag football?</p> <p>15 <b>A. It would be an aspiration if it's --</b></p> <p>16 <b>if it becomes possible for us to do that, that</b></p> <p>17 <b>would be great. But it's not a sole, you know,</b></p> <p>18 <b>end-all be-all. I think anybody in our position</b></p> <p>19 <b>would love to be that, if possible.</b></p> <p>20 Q. And is there any difference between</p> <p>21 being an RSO and being a certified NGB?</p> <p>22 <b>A. I'm not super privy to the details</b></p> <p>23 <b>and inner workings. This is all super -- super</b></p> <p>24 <b>new and extremely confusing, so I'm trying to</b></p> <p>25 <b>learn it as we go.</b></p>
<p>382</p> <p>1 words?</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. Okay. Do you know why those changes</p> <p>4 were made during in between July 6th and</p> <p>5 July 13th of 2023?</p> <p>6 MR. HAYNES: Objection.</p> <p>7 Don't answer that to the extent that</p> <p>8 it calls for you to reveal attorney-client</p> <p>9 privileged information, if at all.</p> <p>10 <b>A. I would not be privy to that</b></p> <p>11 <b>information on the update.</b></p> <p>12 Q. Do you know that between the dates of</p> <p>13 July 6th and July 2023, we had filed something</p> <p>14 with the Court notifying the Court about the</p> <p>15 language in Exhibit 77?</p> <p>16 <b>A. I wouldn't be privy to that specific</b></p> <p>17 <b>instance. I'm sorry.</b></p> <p>18 Q. You don't know whether changes to the</p> <p>19 website were made as a response or as a result of</p> <p>20 our making that disclosure to the Court?</p> <p>21 MR. HAYNES: Don't answer that if it</p> <p>22 requires you to reveal any communications with</p> <p>23 your counsel, if at all.</p> <p>24 <b>A. I -- I don't -- I'm not privy to that</b></p> <p>25 <b>information off the top of my head.</b></p>	<p>384</p> <p>1 (Exhibit 79 was marked.)</p> <p>2 Q. This is Exhibit Number 79. This the</p> <p>3 FFWCT 7481. This is an email from Travis to you</p> <p>4 and Steve, October 2022, where he has found the</p> <p>5 membership application to --</p> <p>6 <b>A. Okay.</b></p> <p>7 Q. -- I -- to what? What was -- what</p> <p>8 application is this?</p> <p>9 <b>A. I believe this is a member</b></p> <p>10 <b>application to be -- to qualify to, I guess, be</b></p> <p>11 <b>the governing body for flag football through the</b></p> <p>12 <b>USOPC.</b></p> <p>13 Q. Okay. Is this something that you've</p> <p>14 seen before today? I mean, he sent it to you</p> <p>15 but --</p> <p>16 <b>A. Yeah, I would assume I've seen it. I</b></p> <p>17 <b>mean, I'm not -- I'm, like, oh, I remember seeing</b></p> <p>18 <b>it on this day. But I remember seeing it</b></p> <p>19 <b>generally.</b></p> <p>20 Q. Okay. Do you see on the very first</p> <p>21 line of the membership application, it says:</p> <p>22 (As read) Step 1 of the membership application</p> <p>23 requires the sport organization complete the</p> <p>24 application and submit it to USOPC.</p> <p>25 Do you see that?</p>

PLANET DEPOS

888.433.3767 | WWW.PLANETDEPOS.COM